

pass and repass in the same, and use and enjoy the benefit of the said locks, free of toll, and any and every other charge whatsoever; and the said company shall keep and maintain a skilful person for opening and shutting the locks, for assisting the boatmen in their passage through the same.

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SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall, wilfully and knowingly, do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine or device, thereto belonging, shall be injured or damaged, he, she or they, so offending, shall forfeit and pay to the said company fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt, before any Justice of the Peace, or in any court having jurisdiction competent to the sum due.

Penalty for  
injuring  
the canal,  
or its works.

Passed 10th April, 1793.—Recorded in Law Book No. V. page 38-9. (*k*)

(*k*) It is necessary to retain only the second and third sections of this act, as the company is virtually dissolved.

## CHAPTER MDCLXX.

*An ACT to authorize Simon Snyder, and the heirs of Anthony Selin, deceased, to erect a dam on Penn's creek, in the county of Northumberland, under the limitations and provisions therein prescribed.*

[SIMON SNYDER, &c. empowered to erect a dam across Penn's creek, on condition that they maintain and keep in good order, on the body of said dam, in a convenient part of the same, for rafts to pass through, an opening of at least twenty-five feet wide, the bottom of which shall not be more than twenty inches above the common level of the water below said dam, with a sloping way therefrom, to extend twenty feet down stream before it reaches the bottom of said creek, and also erect, or cause to be erected and kept in good repair, a complete lock of twelve feet wide, through which boats and canoes may at all times safely and conveniently pass; and if the provisions and limitations before mentioned are not at all times duly attended to and observed, then the enacting clause first mentioned, shall be void, and of no effect, any thing herein contained notwithstanding. And it shall and may be lawful, on the complaint of any person or persons to the Judges of the Court of Common Pleas of said county, for them to appoint three commissioners to view said dam, and compare it with the limitations and provisions herein before set forth and enacted, and to report to them, at their next sessions in said county, the state thereof, which report, on oath or affirmation, if it contain an offence committed against this act, shall be sufficient ground of indictment; and upon prosecution to conviction of an offence against this act, or the act declaring that part of Penn's creek a public highway, the

1793. party or parties so convicted, shall be liable to pay a fine, not exceeding fifty pounds, at the discretion of the court.]

Passed 10th April, 1793.—Recorded in Law Book No. V. page 103.

### CHAPTER MDCLXXIII.

*An ACT to enable the Governor of this commonwealth to incorporate a company, for opening a canal and lock navigation on the waters of Brandywine creek.*

[COMMISSIONERS appointed to open a subscription for the Brandywine canal. Proceedings relative to the subscription. 2. Subscribers when to be incorporated, &c. General powers and privileges of the corporation—3. May establish certain canals on Brandywine creek; ground to be first valued and paid. 4. The course of the canal, &c. to be laid before the Legislature. Proceedings thereon. 5. Proceedings to organize the corporation. 6. Meetings of the corporation; powers and proceedings of such meetings. 7. Meetings of the president and managers. Powers and proceedings of such meetings. 8. Certificates of stock, how to be issued, and transferred. 9. Penalty on neglect to pay the proportions of stock. 10. Managers may take materials from the contiguous ground, indemnifying for damages. 11. Managers may purchase lands, &c. for the canal; and proceedings in case the owners will not agree, or are under legal disabilities, by writ, &c. in nature of a writ of *ad quod damnum*. 12. Proceedings in case the canal crosses a road, or divides the ground so as to require a bridge. 13. Proceedings to establish tolls when the canal is perfected.—Amount of tolls, not to exceed six cents a mile, &c. 14. How the size of rafts, and the tonnage of boats, shall be ascertained and marked. 15. Powers of the collectors of tolls. 16. The managers may take security from the officers of the corporation. 17. Duties of the president, managers, &c. How the number of shares may be increased. 18. Account of tolls to be kept, &c.—Dividends how to be declared. 19. Accounts to be triennially laid before the Legislature; and how the rate of tolls may be increased, or reduced. 20. Amount of the profits limited, &c. 21. Subscribers not to be incorporated, &c. until the state of Delaware shall pass a similar law to vest the authority in subscribers in that state.—Time within which the work must be commenced; and finished. 22. Power of the managers to extend the canal up the creek.

Passed 10th April, 1793.—Recorded in Law Book No. V. page 92. (1)

(1) The Legislature of Delaware having passed an act corresponding with the act in the text; the time for taking subscriptions was extended and the commissioners directed to return the plan of the canal to the then sitting or next Legislature—by act of 19th March 1794, (chap. 1709.)

But by an act passed 21st Feb'y, 1795, (chap. 1788,) the company was to be incorporated as soon as the state of Delaware should pass an act empowering the subscribers to extend the canal from the line of this state through Delaware state without any diminution of size, &c. until within 30 feet of the